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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 000705

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E.O. 12958: DECL: 09/11/2017

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SUBJECT: KOSOVO: KURTI TRIAL OPENS BEFORE PACKED COURTROOM,
BUT QUICKLY RECESSES

REF: A. PRISTINA 112

[1](#)B. PRISTINA 164

[1](#)C. PRISTINA 453

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D)

[1](#)1. (C) SUMMARY: On September 19, Self-Determination Movement (SDM) leader Albin Kurti's trial began in a circus-like atmosphere before an international three-judge panel and a packed courtroom on charges stemming from his instigation of violence at the February 10 SDM demonstration that left two protesters dead. After a shouting match between the presiding judge and Kurti on whether Kurti could read a rambling statement criticizing UNMIK and questioning the impartiality of the process, the judge ruled the statement irrelevant. However, in an incomprehensible move, the judge agreed to consider a motion by Kurti to remove the three-judge panel altogether on the grounds that it had denied his freedom of speech. The judge then sent the motion for decision to the Pristina District Court and recessed the trial indefinitely. While Amcit prosecutor Eli Koppel (protect) told us he was confident he could convict Kurti, nothing UNMIK DOJ has done in the last eight months inspires deep confidence that a conviction will ensue. We will continue to follow this case closely. END SUMMARY.

Kurti trial opens before a packed courtroom

[1](#)2. (SBU) Vetevendosje/Self-Determination Movement (SDM) leader Albin Kurti's criminal trial commenced on September 19 in Pristina District Court, before a packed courtroom of 35-40 people and an international three-judge panel consisting of Mauricio Salustro (Italy, presiding), Norbert Koster and American citizen John Fields. Much to everyone's surprise, the first order of business was the reading of a new indictment related to alleged criminal offenses Kurti committed during the February 10 demonstration (see para 6). Its reading caused some confusion, prompting defense attorney Ahmet Hasolli to ask whether the proceeding was the main trial or a confirmation hearing of the new indictment.

[1](#)3. (SBU) Once the confusion was cleared up and the main trial

got underway, Kurti took the floor and asked to make a statement in Albanian. He also provided an English translation (e-mailed to EUR/SCE), which he wanted the interpreter to read out loud. Shortly after he started to speak, Presiding Judge Salustro interrupted him and asked him whether his oral statement would be the same as the written statement he provided in English. Kurti defiantly asked Salustro not to interrupt him since he had not interrupted the judge. Salustro ordered Kurti to "shut up," and the defense attorney jumped into the fray, asking the judge to let Kurti make his statement. Salustro explained that it was the court's duty to ensure that Kurti's statement was relevant to the proceedings. He then called a 10-minute recess, ordering everyone out of the room, so the three judges could review the written statement.

Motion to dismiss judges results in recess

¶4. (SBU) When the trial resumed, Salustro explained that Kurti's written statement was irrelevant and therefore could not be read during the trial. Salustro also noted that Kurti's written statement contained "something about not accepting the judges," and asked if Kurti's objection was political in nature or if he indeed did not accept the three judges seated before him on technical grounds. After a brief shouting match, during which Kurti complained of his freedom of speech being denied, Salustro asked Kurti whether he would object if there were three different judges sitting before him. Kurti responded, "I object to you," and clarified that he would have to see the three different judges to decide whether to accept them. Salustro threw up his hands and said that they must cease all activities and send the motion to the Pristina District Court because Kurti was in fact making a motion to dismiss the three-judge panel. He called for a

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recess, and just as he started to set a new date, Kurti's court-appointed lawyer piped up and informed him that he did not have the competency to do so under Kosovo law. Salustro then recessed the trial indefinitely.

Kurti's statement quickly spread around Pristina

¶5. (SBU) As the crowd spilled out of the courtroom, Kurti's supporters passed out photocopies of his statement in Albanian and English. It quickly spread throughout the Kosovo media that afternoon, likely grabbing more attention than it would have if he had read it in the courtroom. In his statement, Kurti railed against the international judges and his own court-appointed attorney, questioning the judges' impartiality and complaining about the justice of UNMIK judging and prosecuting a case in which it also claims to be the victim of SDM's violent tactics. He accused local and international authorities of making defamatory public remarks about him and SDM, and quoted organizations like the German Institute for European Politics, which faulted UNMIK for creating a "'culture of systematic repression of criticism' in order to portray Kosovo as a success story."

Prosecutor confident of case against Kurti, surprised by new indictment

¶6. (C) During a break in the trial and in subsequent e-mail exchanges, Prosecutor Eli Koppel (protect) told USOP that he believes the case is strong against Kurti for instigating the violence on February 10 that left two protesters dead. He stressed that no one is contesting the facts, and claimed he could make the case in two days, but will likely need five or six days "given that this is Kosovo." While he will rely on a few reliable eyewitnesses, Koppel said the bulk of his case will rest on videotaped footage of the February 10 demonstration. He also told us that he did not file the new indictment and only saw it for the first time on September 18. (Note: The new indictment was filed on the 17th by the municipal public prosecutor's office under Article 316(3) of the Criminal Code, charging obstruction of official persons

in the performance of their duties of maintaining public security. Why the municipal public prosecutor's office would engage itself in this way is unclear, as is much else about the bizarre proceedings of this case. End Note.)

17. (C) COMMENT: UNMIK DOJ's handling of this case has varied from incomprehensible to appalling. While we are glad to hear a US prosecutor expressing confidence, nothing that has happened in the last eight months -- from Kurti's "catch and release" detention to these latest farcical proceedings -- gives us any real encouragement that a conviction will ensue.

We will continue to follow the labyrinth course of these proceedings and push UNMIK DOJ to bring its case to court without further delay.

KAIDANOW